

Tracking Number	Requester	Requester Organization	Submitted	Description/Basis for Appeal
EPA-R9-2013-007170	Jill L. Weinberger	Dudek	08/07/2013	On behalf of the city of Ontario, I am requesting a subset of the 104 (e) letters and responses for the Stringfellow Landfill, the Operating Industries Inc. Landfill, and the Omega Chemical Corporation Site within the Region 9 Jurisdiction. I have attached to this form three letters, one for each site, detailing my request. The hard-copies of these letters were sent via U.S. mail, June 7, 2013. Please do not hesitate to contact me at (760) 478-4116 with any questions you may have.
EPA-R9-2013-007373	Mitchell B. Malachowski	Gordon & Reas LLP	08/14/2013	Regards, Jill Weinberger All documents relating to Superfund site EPA ID: CAT080012024 (Operating Industries, Inc., Landfill)
EPA-R9-2013-007611	Robert Love	GLADDING & MICHEL Investigative Offices	08/24/2013	Operating Industries Inc. Landfill Freedom of Information Act (FOIA) Request - URGENT
EPA-R9-2013-008078	Andrew Solow	GLADDING & MICHEL, INC	08/13/2013	Repeated Denials of Access to Operating Industries Inc. Landfill (OI) Files US EPA #: CAT080012024 800 Potrero Grande Ave., Monterey Park, CA
EPA-R9-2013-008489	Mitchell B. Malachowski	Gordon & Reas LLP	08/29/2013	All Freedom of Information Act requests seeking documents relating to Superfund site EPA ID: CAT080012024 (Operating Industries, Inc., Landfill) made since December 20, 2007

**Gladding  
& Michel**

Investigative Offices  
840 Hinckley Road, Suite 144  
Burlingame, CA 94010-1509  
415-722-3047 CELL  
650-692-1140 TEL  
650-692-1150 FAX  
CA License # 15321  
[www.gladding-michel.com](http://www.gladding-michel.com)

EPA-R9 - 2013-009078

August 14, 2013

U.S. EPA Region 9  
75 Hawthorne Street  
San Francisco, CA, 94105  
EPA Section Chief Richard Hiatt  
Phone: 415-972-3170 Email: [hiatt.richard@epa.gov](mailto:hiatt.richard@epa.gov)  
Supervising FOIA Coordinator Joan Simmons  
Phone: 415-972-3091 Email: [simmons.joan@epa.gov](mailto:simmons.joan@epa.gov)

Subject: Freedom of Information Act Request for Inspection of Public Records

Re: Repeated Denials of Access to Operating Industries Inc. Landfill (OII) Files  
US EPA #: CAT080012024  
900 Potrero Grande Ave., Monterey Park, CA

Dear Mr. Hiatt and Ms. Simmons,

Pursuant to the public disclosure requirements of the Freedom of Information Act, we hereby amend all of our previous FOIA requests and hereby request an opportunity to inspect the following documents which pertain to the Operating Industries Inc. Landfill (OII).

We recently reviewed a 588 page index file of available EPA records pertaining to Operating Industries Inc. Landfill (OII) which was supplied by Ms. Santiago-Ocasio by mail on 07/19/2013.

We have identified public records which we believe will be of interest to our clients, and request an opportunity to inspect the records. Attached please find a partial copy of the OII Files Index with files requested for inspection highlighted in yellow. A transcription of the highlighted items follows.

1. 412-11-1100, Box #15 of 34, Page 1
  - a. Depositions: Transportation Leasing Co. et al v. State of CA (Caltrans):
    - i. Kachaturian, Larry  
1 Volume
2. 412-11-1100, Box #18 of 34, Page 1
  - a. Analysis of Waste Manifests
3. 412-11-1100, Box #31 of 34, Page 1
  - a. OII Newspaper Ad Campaign
4. 412-11-1100, Box #34 of 34, Page 1
  - a. Dumptickets
5. 412-11-1304, Box #20 of 31, Page 2
  - a. Larry Kachaturian

6. 412-11-1304, Box #21 of 31, Page 1
  - a. Accordion Folder: Transportation Leasing – Depositions
    - i. Larry Kachaturian
7. 412-11-0236, Box #33 of 33, Page 1
  - a. Employee Matters
    - i. Employment Verification
  - b. List of Employees
8. 412-11-0340, Box #29 of 46, Page 1
  - a. 34-1074 – Photo Album
  - b. 36-0021 – Abatement
9. 412-11-0340, Box #37 of 46
  - a. Technical Reports and Raw Data Maps, Plans, Blueprints
10. 412-11-0609, Box #2 of 47, Page 1
  - a. Transporter Volume / Manifest Reports

For more than six weeks, we have repeatedly been told by OII Site Manager Julie Santiago-Ocasio that ~~we cannot have access to any OII documents unless and until we agree to pay thousands of dollars so that~~ US EPA can review and redact confidential portions of the subject records before producing the records to us.

**We contend that ALL US EPA OII records are public because all OII litigation has been adjudicated; and the case is effectively closed. Therefore, we would appreciate it if the US EPA would either provide us with an opportunity to inspect the foregoing documents forthwith, or else provide the US EPA's statutory authority for its repeated denials of access to public records without any further delay.**

Thank you for your prompt attention to this matter.

Yours truly,  
GLADDING & MICHEL, INC.



Andrew Solow, President

Enclosures: Partial copy of the OII Files Index with requested files highlighted in yellow  
Email from Ms. Santiago-Ocasio dated July 15, 2013

Confidentiality Notice: The information contained in this communication is confidential and may be legally privileged. This information is intended only for the use of the addressees. Unauthorized use, disclosure, distribution, or copying is strictly prohibited. If you have received this transmission in error, please notify us immediately at (650) 343-8333 and mail the original transmission to us at the above address.

**Gladding  
& Michel**

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840 Hinckley Road, Suite 144  
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[www.gladding-michel.com](http://www.gladding-michel.com)

EPA-R9-2013-007611

24 June, 2013

U.S. EPA Region 9  
75 Hawthorne Street  
San Francisco, CA, 94105  
Supervising FOIA Coordinator Joan Simmons  
Phone: 415-972-3091 Email: [simmons.joan@epa.gov](mailto:simmons.joan@epa.gov)

Subject: Operating Industries Inc. Landfill Freedom of Information Act (FOIA)  
Request - **URGENT**

Dear Ms. Simmons,

We are private investigators researching a civil litigation matter for our attorney client. Plaintiff Lawrence Kachaturian was allegedly employed at the former Operating Industries Inc. Landfill (OII) of Monterey Park, CA from about 1948 - 1976.

Operating Industries Inc. Landfill was located at 900 Potrero Grande Dr., Monterey Park, CA 91770.

We are attempting to locate any and all records which may describe or in any way provide evidence of the presence of asbestos at OII during the time period when Mr. Kachaturian was allegedly employed there, including but not limited to:

1. Abatement and/or remediation records
2. Toxic Substances reports and/or surveys
3. Inspection reports

Please be advised that we are interested in information from ANY year after 1976, up to and including the present.

If possible, please provide a summary of available records with each record's creation date included, as well as the agency or organization of origin, and, if possible, a brief summary of their content.

Page 2 of 2  
June 24, 2013  
Kachaturian\_EPA.FOIA.Rqt.1

Thank you for your prompt attention to this matter.

Very truly yours,  
GLADDING & MICHEL

Robert Love

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# South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178  
(909) 396-2000 • www.aqmd.gov

Information Management

Public Records Unit

Direct Dial: (909) 396-3700

FAX: (909) 396-3330

## PUBLIC RECORDS REQUEST FORM

PRU Office Use Only

CONTROL NUMBER

**ATTENTION REQUESTOR:** To expedite your request for District records, please fill out this form completely, and identify specifically the type of records you are requesting. Please limit your request to one facility or one site address for each request form filed, and three requested items per form. Additional forms or pages can be used if requesting information for more than one facility or for records not identified on this form. Requests should reasonably describe identifiable records prepared, owned, used, or retained by the District. Public Records Unit staff is available to assist you in identifying those records in the District's possession. The District is not required by law to create a new record or list from an existing record.

### REQUESTOR INFORMATION

NAME: Robert Love	DATE:
COMPANY: Gladding & Michel, Inc.	
MAILING ADDRESS: 801 Erie St., #2	
CITY: Oakland	STATE: CA ZIP CODE: 94610
PHONE NUMBER: 925-984-4845	FAX NUMBER: 510-225-3800
EMAIL ADDRESS: rlove@gladding-michel.com	

### REQUESTED RECORDS (3 items per form)

<input type="checkbox"/> Applications (APPLS)	<input checked="" type="checkbox"/> Complaints	<input checked="" type="checkbox"/> Asbestos Notifications/Records
<input type="checkbox"/> Permits to Operate (P/O)	<input checked="" type="checkbox"/> Site Inspection Reports (I/R)	<input checked="" type="checkbox"/> Facility Potential to Emit (PTE)
<input type="checkbox"/> Equipment List Report (EQL)	<input checked="" type="checkbox"/> Emissions Summary	<input type="checkbox"/> Facility Positive Balance (NSR)
<input checked="" type="checkbox"/> Notices of Violation (NOV)	<input checked="" type="checkbox"/> Source Test Reports (S/T RPTS)	<input checked="" type="checkbox"/> Toxic-Health Risk Assessment (HRA)
<input checked="" type="checkbox"/> Notices to Comply (N/C)	<input checked="" type="checkbox"/> Air Monitoring Data	<input checked="" type="checkbox"/> Other (describe below or on additional pages):
Any and all records which may indicate the presence of asbestos in any form.		
TIME PERIOD OF DOCUMENTS REQUESTED	From: 1945	To: 1990

### REQUESTED FACILITY INFORMATION (If Applicable)

FACILITY NAME: Operating Industries, Inc. Landfill		
FACILITY ADDRESS: 900 Potrero Grande Dr.		
CITY: Monterey Park	STATE: CA	ZIP CODE: 91770
FACILITY I.D. NO. (if known): CAT080012024	APPL. AND/OR PERMIT NO. (if known):	

Direct cost of duplication: \$.15 per page for paper copies (first 10 pages free) and \$5.00 per copied audio tape. No charge for copied Diskettes or CDs. Transfer of gathered electronic records onto CD or Diskette typically costs \$10.00 each, but costs will vary (see Instructions for Requesting Records).

- ☒ I wish to inspect the requested records, where applicable, or receive the requested records electronically at no charge. I do not want copies produced at this time.
- ☐ I request that the SCAQMD contact me prior to copying the requested records if the cost exceeds \$20.00.
- ☐ I would like copies of the requested records and I hereby agree to reimburse the SCAQMD for the direct cost of duplication in accordance with Gov. Code Sec. 6253(b).

Signature of Requestor

Note: After a preliminary estimate, advance payment may be required.

(Rev. 06/17/08-lkoenig)

**Request Details****Status : Closed Due Date : 07/16/2013**

20



Tracking Number : <u>EPA-R9-2013-007373</u>	Request Track : Simple
Requester : Mitchell B. Malachowski	Submitted Date : 06/14/2013
Organization : Gordon & Rees LLP	Due Date : 07/16/2013
Requester Has Account : Yes	Assigned To : Ivry Johnson (Region 9)
Email Address : mmalachowski@gordonrees.com	Last Assigned Date : 06/17/2013
Phone Number : 619-696-6700	Last Assigned By : Ivry Johnson (Region 9)
Fax Number : 619-696-7124	Fee Limit : \$25.00
Address : 101 W. Broadway Suite 2000	
City : San Diego	
State/Province : CA	
Zip Code/Postal Code : 92101	

**Submission Details**

Case File

Admin Cost

Assigned Tasks

Comments

Review

**Request Handling**Requester Info Available to Yes  
the Public :

Request Track : Simple

Fee Category : Commercial

Fee Waiver Requested: No

Fee Waiver Status: N/A

Expedited Processing No

Requested :

Expedited Processing N/A

Status :

Request Perfected : Yes

Perfected Date : 06/17/2013

Acknowledgement Sent

Date:

Unusual Circumstances ? : No

Litigation : No

**Request Description**

Short Description : CAT080012024 (Operating Industries, Inc., Landfill)

All documents relating to Superfund site EPA ID: CAT080012024 (Operating Industries, Inc., Landfill)

Description Available to the Yes  
Public :Has Request Been No  
Modified?

0/2000

**Attached Supporting Files**

No supporting files have been added.

DUDEK

MAIN OFFICE  
605 THIRD STREET  
ENCINITAS, CALIFORNIA 92024  
T 760.942.5147 T 800.452.1818 F 760.632.0164

EPA-R9-2013-007170

June 7, 2013

EPA Region 9 FOIA Officer  
U.S. EPA, Region 9  
75 Hawthorne Street (OPPA-2)  
San Francisco, CA 94105

Subject: FOIA Request for the Operating Industries Inc., Landfill, Monterey Park, California

Dear Region 9 FOIA Officer:

Under the Freedom of Information Act, 5 U.S. C. subsection 552, I am requesting access to a subset of the information request letters and responses issued under section 104(e) of CERCLA for the Operating Industries, Inc. Landfill, located in the city of Monterey Park, California. Specifically, I am requesting access to the 104(e) letters and responses, if any, sent to the following companies or agencies:

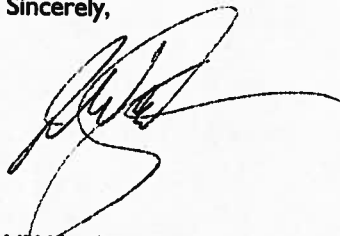
- General Electric Corporation
- Lockheed Martin
- Aerojet General Corporation
- Douglas Aircraft Company, McDonnell Douglas Aircraft Corporation and/or the Boeing Company
- Northrop Aircraft Company and/or Northrop Grumman Corporation
- The California Air National Guard, The United States Air Force, and/or the United States Department of Defense

I am making this request on behalf of the city of Ontario, in regards to a legacy groundwater contamination issue adjacent to the city's wastewater treatment plant. Please supply the records if the fees do not exceed \$500, which I agree to pay. If the search is anticipated to cost more than \$500, as specified above, please inform me before you perform the search.

If you deny all or any part of this request, please cite each specific exemption you think justifies your refusal to release the information and notify me of appeal procedures available under the law.

If you have any questions about handling this request, you may telephone me at (760) 479-4116 (office phone) or (760) 685-8311 (cell phone).

Sincerely,



Jill Weinberger  
Associate Geologist